IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 24499 of 2006(N)

PETITIONER:

P.P.POULOSE, PALLASSERY HOUSE,
KODANADU P.O., ERNAKULAM.

BY ADV. SRI.S.VIDYASAGAR

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED
BY THE SECRETARY, LOCAL ADMINISTRATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. TAHSILDAR, KUNNATHUNAD TALUK.

3. MUDAKKUZHA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, MUDAKKUZHA P.O.,
VIA VENGOOR, ERNAKULAM DISTRICT.

R3 BY ADV. SRI.RAJESH VIJAYAN

R1 & R2 BY GOVT. PLEADER SRI. P.K. RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC . 24499/2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE LICENSE ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT DATED 21/2/2005.

EXT. P2 : TRUE COPY PERMIT GRANTED BY THE DEPARTMENT OF MINING AND GEOLOGY TO THE PETITIONER DATED 18.7.2006.

EXT. P3 : TRUE COPY OF CERTIFICATE ISSUED TO THE BLASTER, WHO IS CONDUCTING THE BLASTING OPERATIONS IN THE QUARRY OF THE PETITIOENR DATED 16.10.2000.

EXT. P4 : TRUE COPY OF NO OBJECTION CERTIFICATE ISSUED BY THE DISTRICT MEDICAL OFFICER TO THE PETITIONER.

EXT. P5 : TRUE COPY OF LETTER DATED 7.8.2006 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT. P6 : TRUE COPY OF THE COMMON JUDGMENT DATED 2.6.2006 IN O.P. NO. 8018/2001.

K.M.JOSEPH, J.

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WP.(C) No. 24499 of 2006

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Dated this the 9th day of August, 2007

JUDGMENT

Prayers in the writ petition are to quash Ext.P5 order of the third respondent and to compel the third respondent to issue licence for quarrying the landed property of one acre 20 cents. Petitioner has produced Ext.P6 judgment. Therein this court has made absolute the interim order that there shall not be any quarrying within 500 meters from the Ambedkar Harijan Colony in the Grama Panchayat. Petitioner is seeking licence for quarrying within the said 500 meters. The contention of the petitioner is that he is not a party to Ext.P6 judgment. But I find that the direction in the judgment is to the Panchayat in the said case, who is the respondent Panchayat in this case also. In such circumstances, it is for the petitioner to seek review of the judgment. I leave open the challenge of the petitioner to Ext.P5, which apparently is based on Ext.P6 judgment.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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